

Original

Before the  
Federal Communications Commission  
Washington D.C. 20554

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In the Matter of

Amendment of Table of Allotments, FM Broadcast Stations

Carthage, Indiana

Middletown, Indiana

Taylorsville, Indiana

This procedure is set forth in Section 1.87 of the Commission's rules. **DOCKET FILE COPY ORIGINAL**

**Petition For Rulemaking**

Comes now Indiana Community Radio Corporation (ICRC) in the above noted matter. ICRC proposes changes to educational facilities through the Rulemaking Process.

ICRC proposes in this Petition for Rulemaking to : 1) Providing *first time service* service to Carthage, Indiana ; Middletown, Indiana; and Taylorsville, Indiana. Each community has no FM aural service. ICRC proposes to modify the Class of existing authorized Class D FM stations as per 73.512 of the Commission's Rules, or alternatively, under the provisions of the Commission's Rulemaking Process.

**W279BB D FX Rushville, Indiana to CH 205A Carthage, Indiana**

ICRC Petitions the Commission to modify Channel to W297BB D FX Rushville, Indiana. ICRC Proposes to specify a new Community Of License, Carthage Indiana. ICRC proposes to specify a new Class, Class A. The 60dbu contours of the existing and proposed services will overlap.

Carthage Indiana has no FM station Licensed to it. The proposed modification would provide first time service for Cathage, Indiana and will serve 20,000 plus persons within the 60dbu contours from the USE Coordinates.

HPR has determined through Com Study, a reliable and repeatable program that a Class A station can be constructed at the Reserved or USE Coordinates of : 85-34-21.9 W, 39-43-55.0 N. Height 58 meters AGL, 90.82 HAAT. ERP 2 KW, vertical.

Through use of Contour Protection and waiver of Commission Rules as presented herein can be constructed which will allow new first time service for Carthage Indiana.

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### *Community Of Carthage Indiana*

The Petition is in the Public Interest as it provides first time service to Carthage, Indiana, meeting the requirements for a Community Of License : 1) Having a town with elected offices; 2) Having a Post Office; 3) Having Businesses that identify themselves as being in Carthage; and 4) Other indicia of a Community as defined by The Commission.

Over 20,000 new persons would receive service from the proposed non commercial station.

### **W297AU D FX Arcadia to CH 298A Middletown both Indiana**

ICRC proposes to modify W297AU D FX Arcadia Indiana. HPR Proposes to specify a new Community Of License, Middletown, Indiana and new Class designation, Class A.

Middletown has no FM station Licensed to it. The proposed modification would provide new service for 20,000 plus persons within the 60dbu contours from the USE Coordinates.

ICRC has determined through Com Study, a reliable and repeatable program that a Class A station can be constructed at the Reserved or USE Coordinates of : 85-21-57.8 W , N 40-03-27.8 AGL 13 m HAAT 99.82 m ERP 6 KW, circular.

Through use of Contour Protection and waiver of Commission Rules as presented herein can be constructed which will allow new Non Commercial Service.

### *Community Of Middletown, Indiana*

The Petition is in the Public Interest as it provides first time service to Middletown, Indiana, meeting the requirements for a Community Of License : 1) Having a town with elected offices; 2) Having a Post Office; 3) Having Businesses that identify themselves as being in Middletown; and 4) Other indicia of a Community as defined by The Commission.

ICRC received a Construction Permit for the facilities and there were no competing applications. The modification of the Class D Translator station to specify a new Class and Community Of License is in the Public Interest as it would provide first time service to Middletown Indiana.

The Channel Change from 297 to 298 is a major change as a new Class and Community Of License is specified.

## **W254AP D FX Rushville, Indiana to CH 251A Taylorsville, Indiana**

ICRC Petitions the Commission to modify W254AP D FX Rushville, Indiana. HPR Proposes to specify a new Community Of License, Taylorsville, Indiana and a new Class, Class A, and new frequency CH 251A.

Taylorsville has no FM station Licensed to it. The proposed modification would provide new service for 120,000 persons within the 60dbu contours from the USE Coordinates.

ICRC has determined through Com Study, a reliable and repeatable program that a Class A station can be constructed at the Reserved or USE Coordinates of : 85-05-9.5 W , N 39-07-44 HAAT 100 m ERP 6 KW, circular.

Through use of Contour Protection and waiver of Commission Rules as presented herein can be constructed which will allow new Non Commercial Service.

### ***Community Of Taylorsville, Indiana***

The Petition is in the Public Interest as it provides first time service to Taylorsville, Indiana, meeting the requirements for a Community Of License : 1) Having a town with elected offices; 2) Having a Post Office; 3) Having Businesses that identify themselves as being in Taylorsville; and 4) Other indicia of a Community as defined by The Commission.

The Channel Change from W254AU D FX Rushville, Indiana to CH 251A Taylorsville, Indiana is a major change. As the Petition provides new *first time service* to Taylorsville, Indiana it is in the Public Interest.

## **The Public Interest**

The merit of this proposal is that unused or vacant FM allotments are available for increased service are available. The allotments have been available for some time, and have not been previously utilized. ICRC obtained Construction Permits which are being modified as proposed by the Rule Making proceeding and the changes are available to ICRC through Commission Rules noted.

## **Proposal**

### **Community Present Proposed**

Carthage Indiana      No aural service      **CH 205A NEW**  
*Over 20,00 New Persons Served*

Middletown Indiana      No Aural Service **CH 298A NEW**  
*Over 120,00 New Persons Served*

Taylorsville Indiana      No Aural Service **CH 251A NEW**  
*Over 120,00 New Persons Served*

### **Conclusion**

The Proposed Rule Making would Petition For : 1) First Time Service for Carthage, Indiana which has no aural FM service; 2) First Time Service for Middletown, Indiana which has no aural FM service; and 3) First Time Service for Taylorsville, Indiana which has no aural FM service.

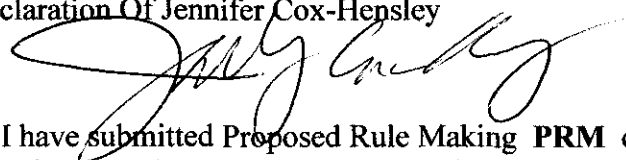
Based on the foregoing facts the ICRC Petition For Rulemaking is in the Public Interest, convenience, and necessity. The changes as presented are allowed in a Rulemaking Process, or alternatively as a major change to a class D FM station. Due to the CDBS system not accepting an FCC Form 340 for the purpose, this filing is submitted. ICRC would pray the Commission accept the Petition for Rule Making as outlined and allow ICRC to modify it's existing Construction Permit applications in the noted communities and receive grants of Construction Permits for the noted communities



Jennifer Cox-Hensley  
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Indiana Community Radio Corporation

Declaration Of Jennifer Cox-Hensley



I am Jennifer Cox- Hensley. I have submitted Proposed Rule Making **PRM** on behalf of ICRC. I affirm under penalty of perjury that the statements herein to be true and correct.

### **Certificate of Service**

A Copy of this Petition was mailed first class postage to :

The Federal Communications Commission, Office of the Secretary, 445 Twelfth Street,  
SW, TW- A325, Washington, D. C. 20554 (1 original and 4 copies)

